

In the Office Action, claims 1-9, 18 and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP 09108111 (JP '111) in view of CN 1104036. The Office Action states:

JP '111 discloses a teas bag comprising two filtration layers of Japanese paper or synthetic resin, wherein both the layers hold tealeaves in the inner side. The filtration bag reads on the porous sheet of the instant claim. JP '111 discloses varieties of tealeaves including green tea, oolong tea, water chestnut, safflower etc., all of which are herbs and thus read on the instant medicines. JP '111 also discloses a shelf fungus that reads on the claimed probiotic (claim 5). JP '111 discloses applying tealeaves on the filtration bag, and thus read on instant claim 1, which states medicament is applied to the sheet prior to affixing. JP '111 discloses green tea, oolong tea etc., which are known for their medicinal value (see CN 1104036). The limitations of claims 6-9, 18 and 19 are inherent to the teachings of JP '111.

(Office Action, April 7, 2003, pages 2-3).

In amended independent claim 1, as presented herein, Applicant's invention is directed to a filter bag for oral administration of medication comprising: a first compartment containing a therapeutically effective amount of at least one medicinal agent; and a second compartment containing a beverage concentrate for infusion in a liquid; wherein the compartments are formed of at least one sheet of porous material affixed together along margins to create sealed edges; wherein edges of the first and second compartments are connected to each other; and wherein the at least one medicinal agent is applied to the at least one sheet of porous material within the first compartment.

JP '111 is understood to disclose a tea bag 1 having an outside filtration bag 2 and an inside filtration bag 3 disposed therein. Also as understood to be disclosed in JP '111, outside filtration bag 2 holds tea leaves 4, while inside filtration bag 3 holds additional tea leaves 5 that have been compressed firmly. According to JP '111, when making a first cup of tea with tea bag 1, the tea is mainly extracted from tea leaves 4 held in outside filtration bag 2, while the scent, taste, and color of additional cups of tea are gradually extracted from tea leaves 5 in the inside filtration bag 3. Thus, in contrast to Applicant's invention as present in amended claim 1, JP '111 is understood not to be related to a filter bag with a first compartment containing a therapeutically effective amount of at least one medicinal agent, but instead is understood to relate to outside and inside filtration bags that each hold tea leaves.

Thus, JP '111 does not anticipate amended claim 1, and allowance is respectfully requested. With respect to dependent 2-9, 18 and 19 which depend from amended independent claim 1, it is submitted that these claims are patentable not only

because of the patentability of the independent claim from which they depend, but also for the totality of features recited respectively therein.

In the Office Action, claims 10-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '111 in view of JP 53075346 to Mori *et al.* ("Mori"). The Office Action states:

Mori et al teach a flavor preserving tea bag, comprising a coating over the tea bag paper. The compounds suitable for coating comprise amylose starch, cellulose derivatives, alginates, gelatin etc. Mori et al teach the coating does not affect the aroma, flavor or taste of the tea. It would have been obvious for one of an ordinary skill in the art at the time of the instant invention to add a coating of gelatin or amylose starch or edible, water-soluble high molecular weight compound because Mori et al teach that the coating materials become porous when dipped in hot water and still preserves the taste, aroma as well as the flavor of tea.

(Office Action, April 7, 2003, page 3).

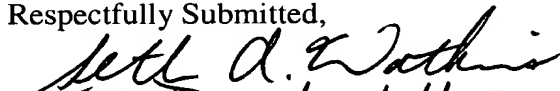
Applicant submits that neither JP '111 nor Mori, alone or in combination, are understood to relate to at least one medicinal agent. It is submitted that these claims are patentable not only because of the patentability of the independent claim from which they depend, discussed above, but also for the totality of features recited therein.

In view of the foregoing, it is believed that all the pending claims are in condition for allowance, which is respectfully requested. If the Examiner does not agree, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and accelerate the eventual allowance of the claims.

A fee is believed to be due for the presentation of new claims, and a Fee Transmittal Sheet is submitted concurrently herewith. A fee for an extension of time also is believed to be due for this submission and a petition for extension of time is submitted concurrently herewith. Should any additional fees be required, please charge such fees to Pennie & Edmonds LLP Deposit Account No. 16-1150.

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Respectfully Submitted,


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Enclosures

**EXHIBIT A - MARKED-UP VERSION OF AMENDED CLAIMS AND
NEW CLAIMS IN AMENDMENT FILED JULY 25, 2003**

1. (Amended) A filter bag for oral administration of medication comprising:
a first compartment containing a therapeutically effective amount of at least one medicinal agent [,] ; and
a second compartment containing a beverage concentrate for infusion in a liquid;
wherein [the filter bag is] the compartments are formed of at least one sheet of porous material affixed together along margins to create sealed edges [of the filter bag and to hold a beverage concentrate for infusion in a liquid,];
wherein edges of the first and second compartments are connected to each other; and
wherein the at least one medicinal agent is applied to the at least one sheet of porous material [prior to affixing the margins] within the first compartment.
2. (Amended) The filter bag of claim 1, wherein the at least one medicinal agent is selected from the group consisting of a pharmaceutical active, a supplemental nutrient, a genetically derived material, a beneficial agent, and a combination thereof.
6. (Amended) The filter bag of claim 1, wherein the filter bag is [used] adapted for use in cold or hot liquids.
7. (Amended) The filter bag of claim 1, wherein the agent [solubilizes] is adapted to solubilize when in contact with [a] the liquid.
8. (Amended) The filter bag of claim 7, wherein the agent is [dispersed] adapted to be dispersable in a predetermined dosage amount into the liquid.
13. (Amended) The filter bag of claim 12, wherein the gelatin [dissolves] is dissolvable when in contact with the liquid [and releases] to release the at least one medicinal agent into the liquid.

16. (Amended) The filter bag of claim 1, wherein the at least one medicinal agent is present in a mixture comprising a degradable material adapted to provide a prolonged shelf life for the medicament.

26. (New) A filter bag for oral administration of medicament comprising:
at least one sheet of porous material forming a sealed bag comprising first and second compartments disposed in side by side relation to one another;
a beverage concentrate disposed in one of the compartments; and
a therapeutically effective amount of at least one medicinal agent disposed on the porous material.

27. (New) The filter bag of claim 26, wherein the at least one medicinal agent comprises a coating on the porous material forming one of the compartments.

28. (New) The filter bag of claim 27, wherein the compartment provided with the beverage concentrate does not include the coating.

29. (New) The filter bag of claim 27, wherein the coating is disposed on an outer surface of the filter bag.

30. (New) The filter bag of claim 27, further comprising a drug releasing layer wherein the at least one medicinal agent is disposed between the at least one sheet of porous material and the drug releasing layer.

31. (New) The filter bag of claim 26, further comprising at least one enzymatically active material.

32. (New) The filter bag of claim 26, further comprising a temperature releasing agent.

33. (New) The filter bag of claim 26, further comprising a flavor producing or reducing agent.

34. (New) The filter bag of claim 26, wherein the at least one sheet of porous material is selected from the group consisting of reinforced paper, knitted material, woven material, fibrous material, and a combination thereof.

35. (New) The filter bag of claim 26, wherein the beverage concentrate comprises tea concentrate.

36. (New) A filter bag for oral administration of medicament comprising:
at least one sheet of porous material forming a sealed bag comprising a first compartment containing a therapeutically effective amount of at least one medicinal agent and a second compartment containing a beverage concentrate for infusion in a liquid;
wherein the compartments are separated from each other by a seamed portion of the at least one sheet of porous material.

37. (New) A filter bag for oral administration of medicament comprising:
at least one sheet of porous material forming a sealed bag comprising a coating of a therapeutically effective amount of at least one medicinal agent and a beverage concentrate;
wherein the at least one medicinal agent is selected from the group consisting of a pharmaceutical active, a supplemental nutrient, a genetically derived material, a beneficial agent, and a combination thereof.